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SEP 16 2004

In re Application of
Murray E. Stanley
Application No. 08/292,286
Filed: August 18, 1994
Attorney Docket No. 040205

OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition filed August 30, 2004 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned February 17, 1996 for failure to file a proper response to the non-Final Office Action mailed November 16, 1995. No extensions of time having been obtained and no responses filed, a Notice of Abandonment was mailed July 8, 1996. A petition to revive was filed April 16, 2004 and dismissed in a decision mailed April 30, 2004.

Comes now the petitioner with a renewed petition, a request for a two month extension of time and additional evidence to substantiate the claim that the entire delay in reviving the application was unintentional.

All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to Technology Center 3207 for appropriate action on the amendment filed April 16, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

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¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).